

UNITED STATES OF AMERICA

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

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May 13, 2005

NOTICE TO ALL INVOLVED COUNSEL

Re: **MDL-1691 – In re Bextra and Celebrex Products Liability Litigation**
MDL-1693 – In re Bextra Marketing and Sales Practices Litigation
MDL-1694 – In re Celebrex Marketing and Sales Practices Litigation
MDL-1699 – In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation

Today we filed the motion for centralization, pursuant to 28 U.S.C. § 1407, of plaintiffs Betty Alexander and Allied Services Division Welfare Fund and denominated that matter as MDL-1699. Presently pending in the four Bextra/Celebrex litigations are a total of five Section 1407 motions, two in MDL-1691 and one each in MDL-1693, 1694 and 1699. The MDL-1699 motion encompasses a total of 33 actions and includes every action included on the other four motions. In view of the significant overlap among parties and actions in the four MDL docket numbers, the Panel intends to proceed in the following streamlined fashion with respect to appearances, responsive pleadings and hearing protocol.

Appearances

Panel Attorney Service Lists have already been prepared and distributed in MDL-1691, 1693 and 1694. Appearances for MDL-1699 are due on May 24, 2005, and are subject to the following caveats. First, if you previously submitted an appearance in MDL-1691, 1693 or 1694 and there is no change, you will not be required to submit another appearance for MDL-1699. Second, inasmuch as all actions included on the four motions in MDL-1691, 1693 and 1694 are also included on the motion in MDL-1699, the Panel Attorney Service List in MDL-1699 to be prepared and distributed on or after May 24, 2005 will serve thereafter as the Master Service List for the Panel's initial consideration of these four dockets.

Responsive Pleadings

The due date for responsive pleadings in MDL-1699 is June 2, 2005, and **all previous due dates with respect to MDL-1691, 1693 and 1694 are hereby extended to June 2nd**. You are strongly encouraged to file a consolidated response to all filed motions in the four MDL dockets. Such a consolidated response must identify in the heading the MDL number and descriptive title of each litigation to which the response applies. In addition, please submit an **original and seven copies**, rather than the

normally required four copies, of any consolidated response.

Hearing Protocol

The five pending motions in four MDL dockets will be set for the next Panel Hearing Session in late July 2005. **Counsel should note that the deadline has now passed for filing motions pursuant to Rule 7.2(h) to add actions for consideration in this matter at the Panel Hearing Session.** Counsel should anticipate that the Panel will structure oral argument in this matter to consider all positions of all parties in all four MDL dockets in a unified manner.

FOR THE PANEL:

A handwritten signature in cursive script that reads "Michael J. Beck". The signature is written in black ink and is positioned above a horizontal line.

Michael J. Beck
Clerk of the Panel